



# The metropolitan factory. Intermunicipal institution's and Département's parts in the local rule-building process

Caroline Gallez, Marianne Ollivier-Trigalo

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## **Cities without limits**

23.06-25.06.2011, Copenhagen

### *Track 2 – Governance in cities unbound*

#### **The metropolitan factory. Intermunicipal institution's and Département's parts in the local rule-building process**

Caroline Gallez, Marianne Ollivier-Trigalo, Université Paris-Est, LVMT-IFSTTAR

#### **Abstract**

The economic and social phenomena which play a role in shaping cities are largely unaffected by institutional boundaries. In other words, public actors in “cities unbound” deal with problems that are not restricted to their own institutional area, and that cannot be solved at that level either.

In this article, we have focused on the way public actors come to an agreement on the rules (norms, ratios, perimeters, etc.) that serve as guidelines for local public action. What are the different rationales that govern this “rule-building process” and how do the actors reach agreement when they have diverging points of view? In our investigation, we gave priority to the ideological and area-based aspects by examining how the negotiations between local authorities and the state and the actions that are undertaken reflect the ideologies of local actors and the interests of the areas and the people they represent.

In the context of French debate on the reform of local institutions, two types of local actors more specifically aroused our interest: the intermunicipal authority and the “Département”.

In recent years, the development of intermunicipal institutions received a real impetus from the 1999 local government act. In order to meet the changing needs of urban areas, the act created a new kind of intermunicipal authority, the “Communauté d'Agglomération”, which was invested with extensive responsibilities in the areas of local development and planning. As no elections are held to appoint individuals to intermunicipal authorities, these institutions are not politically independent of the governments of the municipalities that comprise them. Do the intermunicipal authorities take part in defining new local issues? How do they contribute to the coordination of policies for different sectors at their own level? Based on a case study of the “Communauté d'agglomération du Val-de-Bièvre” in the Greater Paris Region, we will highlight the role of intermunicipal authority in public rule-building process.

On the other hand, the continued existence of the Départements - subregional institutions that were created during the revolutionary period and that became local authorities in 1871 – is frequently questioned. Though they have traditionally focused on public action in rural areas, the Départements have recently been given extended responsibilities for transport and housing policy. We will show that, in contrast with what is usually assumed, the Départements do take part in urban policies, either through their own competencies or by making financial contributions to assist the actions of other institutions. We shall demonstrate this by referring to the actions of the “Département du Val-de-Marne”, which is situated in the inner ring of the Paris suburbs, in relation to two development projects which were implemented at the level of the “Communauté d'agglomération du Val-de-Bièvre”.

## Introduction

As a rule, the social and economic phenomena which play a role in shaping cities largely ignore the administrative and political boundaries of local governments. The emergence of cities without limits where “the dynamic of technical networks tends to take over (...) from the static reality of built space in conditioning urban mentalities and behaviours” (Choay, 1994) raises questions about the ability of public players to act, as neither the formulation of problems nor the choice of solutions in principle involves just one level of government.

In this context of highly fragmented cities, the emphasis has been laid on the issues of governance or governability of urban societies. Starting from the limits of the government, theoretical and practical concern with governance emerged in the Anglophone world in the mid-1970s (Jessop, 1995). Scholars analysed the political capacity of groups including various types of actors to steer, pilot or change urban society (Jouve et Lefèvre, 2004). As underlined by Borraz and Le Galès (2010), the urban government/governance debate has proved useful to contribute to the understanding of the transformation of cities and contrast different explanatory models. Some authors have considered the emergence of cities as collective actors (Bagnasco and Le Galès, 2000), while others have highlighted the role of states with regard to “political rescaling” and strengthening the metropolitan level as a means of responding to the pressure exerted by globalized capitalism (Brenner, 2004).

The absence of politics has been underlined as a major limit of the *rescaling* theory, which largely ignores interactions between local organization and systems of actors and the implementation of state spatial strategies (Kübler and Tomàs, 2010). According to Le Galès (2006), “ignoring regional political mobilization (...) and the long-term strengthening of urban political coalitions is problematic for understanding state territorial strategies, which are often determined as a reaction to this territorial mobilization”. Some authors criticized, more generally, the scant attention paid by governance approaches to the “specifically political dimension” of local action (Faure, 2007). In this paper, we shall consider the role of politics in the development and implementation of local public policies, giving priority to the ideological and area-based aspects of this political dimension. More precisely, we shall examine how the actions that are undertaken reflect the ideologies of the local actors and the interests of the areas and the people they represent.

Based on the results of recent research conducted in the Ile-de-France region (Gallez, Thébert, Ollivier-Trigalo, Vilmin, 2011), we shall focus on two types of institutions, intermunicipal authorities and the Département, which have been affected in a variety of ways by the recent reforms of the institutional structure of the national territory. After the 1999 Chevènement Act, there was a significant increase in the number of intermunicipal authorities with tax raising powers<sup>1</sup>. New structures of municipal cooperation with responsibilities in various areas of urban public action were set up, under the name of “Communautés d’Agglomération” in order to meet the specific needs of urban areas. However, the continued existence of Départements, which are historical local authorities, is regularly brought into question. The Départements were originally essentially concerned with social policy, facilities and planning in rural areas, but their responsibilities have recently been extended in the urban field, particularly with regard to transport (management of the Département road network) and housing. We have analysed the role of these two institutions on the basis of the case of the Communauté d’Agglomération du Val de Bièvre (CAVB), in the inner suburbs of Paris and the Département of Val de Marne, within which the CAVB is located.

This paper is in three parts. The first presents our approach and methodology, describes our study cases and provides some background about the “rule-building process” that takes place between different levels of government. The second section deals with the role of the communauté d’agglomération, with reference to three main dimensions: strategic, political and cognitive, which have been constructed by analysis. The third section illustrates the role of the Département and highlights the political and financial rationales that lie behind its

actions. Finally, the conclusion examines the main lessons of this analysis, in particular with regard to the ideological and area-based dimensions that underlie the public action of these two local institutions.

## **1. Methodology, case studies and the context**

### **1.1. Observing action “as it takes place”**

In the context of the increasingly fragmented nature of urban societies, the issue of urban governance focuses on the conditions which make public action possible, in particular by raising the question of the coordination between the actors and the organizations involved in collective action (Le Galès, 1995). Institutional organization, as a modifiable framework for collective action, is at the heart of governability issues, particularly in the case of large conurbations and metropolitan areas (Jouve and Lefèvre, 1999). Among the scientific community, institutional fragmentation has for some time aroused opposition between two schools of thought (Lefèvre, 1998). The first school, known as the “reformers”, recommends the creation of metropolitan institutions for entire urban regions. In contrast, the second, known as “the public choice” school defends institutional fragmentation on the grounds that it guarantees competition between local authorities and free individual choice.

The study of institutional organizations with reference to legal boundaries, the responsibilities and the resources allocated to them cannot, however, take account of the full complexity of the coordination processes that exist between the actors, nor reveal their diversity. The picture of local public action which emerges from the study of the implementation of concrete devices or development projects, allows us to glimpse the complex system of constraints which applies to local actors and through which they participate in collective action. Beyond the institutional forms, it is these constraints which define the framework within which local actors operate and which influence the way they coordinate with each other and their ability to create links between different sectors.

These are the general observations which emerge from a survey conducted in the Greater Paris Region in the framework of a research project that set out to examine the role of intermunicipal authorities, ten years after the Chevènement Act<sup>ii</sup> (Gallez et alii, 2011). We wish to look further than the intentions stated by the actors or institutions in their political programmes, or the way responsibilities are shared between municipalities and intermunicipal authorities and analyze “action as it takes place”. This analysis thus adopts a *pragmatic approach* which pays particular attention to the nature of the systems of coordination and the varied types of legitimacy and participation in action (Cantelli, Roca y Escada, Stavo-Debaugé, Pataroni, 2009).

Our analysis of public action at the intermunicipal scale was conducted on the basis of inputs from two institutions: the intermunicipal authority and the Département. In both cases, we are essentially concerned with how the relationships between these institutions and the municipalities on one hand and the state on the other hand are structured and built.

### **1.2. The areas in question and case studies**

In order to highlight the events that make up public action, we have given priority to studying concrete development projects. The projects in question were selected on the basis of three criteria. First, their purpose, which had to combine several areas where the intermunicipal authorities have jurisdiction (housing, transport, economic development). Second, their state of progress: priority was given to operations for which works were ongoing or already completed, to allow us to describe how the project had evolved and how the different actors had influenced the process. Third and last, the role played by the intermunicipal authority in organizing the operations, depending on whether its involvement was as a project owner or a partner.

Two development projects were selected with reference to these criteria.

The covering of the A6b motorway (Box 1) involved three of the seven municipalities in the Communauté d'agglomération of Val de Bièvre. Works started in December 2009. The operation started as a highway engineering project to repair the steel plate anti-noise covering. Thanks to the mobilization of local stakeholders it then evolved into a project to construct a covering which was crossable at some points with the improvement of public spaces on either side of the motorway. In this project, the Communauté d'agglomération acted as one of the main partners of the state, alongside the Val-de-Marne Département.

#### ***Box 1 - The covering of the A6b motorway***

The A6b motorway, which runs south from Paris, was built at the end of the 1960s to connect Paris to the Rungis wholesale trading centre. The motorway was built on the route of a Département road in an open cutting and created almost complete severance between the municipalities of Gentilly and Kremlin-Bicêtre. To the south, it cuts off a district of Arcueil from the rest of the town.

Protest movements among the residents began as soon as the motorway was opened and initially focused on noise pollution issues. Thanks to the support of a number of local elected representatives, this mobilization culminated in the installation of a steel anti-noise covering over several sections of the cutting. In the mid-1990s, the nature of the debate between the state and the local stakeholders changed. State engineering units observed that the covering was deteriorating, and considered replacing it. Taking this opportunity, the residents and elected representatives expressed their opposition to the plan to re-install exactly the same covering and demanded a genuine urban redevelopment project which would put right the harm caused thirty years earlier when the motorway was built.

Between the mid-1990s and the end of the years 2000, a process of negotiation got under way between the residents and the elected representatives on one hand and the state on the other. After a period of stalemate, during which the representatives of the state refused to consider the demands of the local stakeholders, a consensus was found on a general planning solution (December 2002). The project consisted of alternative sections of heavy duty covering (crossable) and light planted covering (non crossable). The Département road which runs alongside the motorway was placed in the centre of the sections with heavy cover, in order to create free space in front of the buildings.

Several more years of negotiation and joint work between the state engineering units and the local authorities were required before the studies were finalized (August 2008). The works got under way at the end of 2009 and are due to be completed in early 2012.

The Chaperon Vert urban renewal project (Box 2) involves the restructuring of an intermunicipal district straddling two municipalities (Arcueil and Gentilly) of the Communauté d'agglomération du Val de Bièvre. While the technical management of the project was placed in the hands of the CAVB, the elected representatives of the municipalities remained in full control of the decisions regarding the living environment. In the process of negotiation with the state, the Communauté d'Agglomération provided the municipalities with political and technical support.

#### ***Box 2 – The Chaperon Vert district urban renewal project***

The Chaperon Vert district was built between 1959 and 1964 during a period when housing was in very short supply. It consists of 1,600 dwellings, in three twelve-storey long apartment buildings and about twenty four-storey buildings. The district straddles the municipalities of Arcueil and Gentilly and was built on land owned by the state for which the mayors of the two municipalities obtained the lease in exchange for other land. Topographically, the site is the location of a large number of urban severances due to a several major pieces of infrastructure. To the North, the Paris orbital motorway can only be crossed by a pedestrian overpass, which was closed when studies on the project began; to the East, the A6a motorway cuts off several buildings in the district in an area that is known as "the Extension"; to the South, line B of the Regional Express Rail (RER) network produces another barrier; to the West, the Vanne aqueduct is an impassable barrier with the neighbouring municipality of Montrouge. The district is essentially residential and has only two access roads and a labyrinthine internal road network with a large number of dead ends.

The political undertaking to renovate the district originated in a contractualization agreement signed in July 2001 that involved state, the representatives of local authorities and a large number of actors from the public and private sectors (public low-cost housing offices, transport operators, financial bodies). The project had a very broad scope: apart from the Chaperon Vert, it took in another social housing estate, the Cité de la Vache Noire in Arcueil, and the neighbouring areas of detached housing as well as, to the North, part of the International University Campus. In 2003, there was a change in the system for state intervention in social housing districts. A sort of state “one stop shop” was set up, the National Urban Renewal Agency (ANRU). The goals of the ANRU focused on urban renovation, with a strong emphasis on demolition<sup>iii</sup>, in order to foster social diversity in the districts in question. Moreover, the refocusing of state priorities onto Sensitive Urban Areas (Zones Urbaines Sensibles – ZUS) or similar districts led to the operation gradually becoming restricted to the boundaries of the Chaperon Vert district.

Between the middle of 2004, when the project first began to take shape, and the signing of the agreement with the ANRU in November 2008, the negotiations between the representatives of the state and the local actors related to the limits of the area covered by the project, its major priorities and the financial provisions. The local actors were concerned about defending local political decisions with regard to social housing and about the distribution of financial constraints.

We used two types of material for the case studies.

First, we drew on documents that dealt with the context of local action and the selected concrete projects. These consisted of letters, the proceedings of technical and steering committee meetings, project presentation documents, studies, plans, deliberations, agreements and financial tables. Our access to the Communauté d’Agglomération du Val de Bièvre project archives meant we could compare the construction of the project and the negotiations between the actors representing the different stakeholders.

In addition, we conducted semi-directive interviews with the local players who took part in the activities, namely elected representatives, and technicians working for various local institutions (municipalities, Département, Region) and the Communauté d’Agglomération, state representatives, members of associations, engineers and architects working for consultants involved in the projects. These interviews were recorded and have been transcribed in full.

### **1.3. Local rule-building process in the context of the Ile-de-France region**

The most important aspects of development projects for which the Communauté d’agglomération is responsible are housing, transport and economic development. These responsibilities are shared not only with the municipalities<sup>iv</sup>, but also with other local authorities, one of which is the Département, and the state.

Public policies in these sectors involve potentially contradictory purposes, for example depending on whether they give priority to limiting motorized trips or providing travel opportunities, allowing low income groups to remain in central areas or favouring social diversity in districts, balancing out resources between different urban areas or increasing the economic resources of a given zone. In practice, these contradictions, which we have deliberately exaggerated here, result in conflicts between the interests and visions of public actors who are involved in the different levels of government.

Collective action is not possible without rules, standards and principles on which the different actors agree. What are the different rationales that govern the rule-building process and how do the actors reach agreement when they have diverging points of view? This question will provide the basis for our analysis of the roles of the CAVB and the Val de Marne Département.

The first impression given by our observations is the disparate nature of the approaches towards the definition of rules that apply in the different sectors that concern us (urban development, housing, transport and economic development). The differences in question

are mainly due to the co-existence of two different outlooks with regard to the rules which are intended to provide the framework for public action at intermunicipal level.

The outlook of the state stems from a *top-down approach*. Its starting point is the standards or goals that have been set for the Ile-de-France region or the centre of the conurbation, for example in the Master Plan for the Greater Paris Region (Schéma Directeur d'Aménagement de la Région Ile-de-France - SDRIF), or in the Grand Paris Planning Act (Projet de loi du Grand Paris); these standards and goals are then applied at the local level of municipalities or intermunicipal authorities.

The outlook of the local actors essentially involves a *bottom-up approach*. It consists of defining rules for the intermunicipal area by aggregating the needs of the individual municipalities. This aggregation may be carried out in a number of different ways, such as addition, juxtaposition and ranking.

The clash between these two contrasting approaches raises the issue of possible conflicts between the instructions the state sends out to local actors and the concerns or programmes which originate at local level. This issue takes a specific form in the cases we are concerned due to recent legislative changes and the specific nature of the system of actors in the Greater Paris Region.

The areas of spatial planning, housing and urban renewal are actually characterized by the return of strong state intervention, which has resulted in intense legislation with the production of standards, plans and multiannual action programmes. Driant (2007), for example, mentions that since the second half of the 1990s, housing policy in France has changed as a result of a triple dynamic, consisting of a tendency for deregulation, a process of decentralization and an increase in ambitious state-managed annual programmes which “are added to, and to a greater or lesser extent complement, the initiatives of the other actors”. This combined strengthening of state involvement in national programmes or plans and the action of local actors – in particular at the scale of intermunicipal authorities – with regard to the implementation of local housing policies, urban renewal projects or the organization of local public transport services runs counter to the hypothesis that what is occurring is decentralization based on the single principle of subsidiarity.

Moreover, the situation in the Greater Paris Region with regard to the role of the state in local public management remains unusual, as decentralization took place much later and has been less marked there than elsewhere. The passing of the Grand Paris Planning Act on 3 June 2010 confirms the present government's desire for the state to continue to play a major role in the planning of the capital region. The controversy that sprang up in early 2011 during the two public debates that were launched simultaneously on the two orbital metro projects respectively backed by the local authorities (Syndicat des Transports d'Ile-de-France)<sup>v</sup> and the state (Société d'Aménagement du Grand Paris) highlight, in the area of transport, the ambiguity that characterizes the Region's late assumption of responsibilities<sup>vi</sup> and simultaneous determined state legislative intervention. The Region and the state are also in conflict over the Master Plan for the Greater Paris Region (SDRIF), approval of which was postponed following the Council of State's verdict that the document failed to take sufficient account of the objectives outlined in the Grand Paris Planning Act and the Second Grenelle Act. Beyond the underlying political conflicts, which fuelled differences of opinion between the state and the Region<sup>vii</sup>, we should bear in mind the extent to which the creation of intermunicipal authorities in the Greater Paris Region takes place in a specific context that is marked by the pre-eminent role of “higher” levels of decision-making and issues that relate to metropolitan scale.

## **2. The Communauté d'Agglomération, an instrument for public rule-building at the local level**

While the differences between the approaches towards rule-building followed by the state and local actors tend to exacerbate conflicts of interest in local public management, it would

be overstating the issue to see this tension as a straightforward conflict between national and local levels, in the form of a confrontation between the state and local actors.

The fact that municipal actors are able to make their priorities for action heard, partly as a result of the political legitimacy they acquire from the Communauté d'Agglomération, fosters a degree of permeability between the different levels of action and therefore assists convergence towards common rules. We have identified three dimensions that we feel are particularly characteristic of the role played by intermunicipal cooperation in this process: a strategic dimension, a political dimension and a cognitive dimension.

### **2.1. Strategic intermunicipal cooperation: “together we will be stronger”**

The primary role of intermunicipal authorities is one of representation and political support, which enables local actors to take part in discussions and negotiations with the state or the other local authorities such as the Département or Region, which would be more difficult for individual municipalities. In principle, this first dimension of the role of the intermunicipal authorities, which we have referred to as *strategic*, does not require the large-scale integration of municipal policies. It predominates in informal ways of cooperation, or during the first stages of more formalized cooperation or the construction of collective projects, when internal debate does not as yet involve the objectives or the content of collective action. At these stages, the purpose, for the elected representatives, is to get known and make themselves conspicuous to the outside environment.

According to one of the mayors in the CAVB, the belief “that together they [the municipalities] would obtain more for their area” marked the turning point of intermunicipal cooperation in the Greater Paris Region in the 1990s. In 1996, the setting up of an Intermunicipal Arrangement (Entente Intercommunale) between five municipalities<sup>viii</sup>, prior to the creation of the CAVB in 2000, was characteristic of this minimum level of commitment: “we had found the most flexible structure possible” to quote one elected representative. The mayors decided to cooperate in the areas of jobs and economic development, after they realized that competing between municipalities was counterproductive. Making municipal boundaries less rigid enabled them to face the competition which exists between local authorities within the Département and the Region. In particular, they perceived the need to change their image and act together to improve the quality of their environment as being much more important for attracting new firms than maintaining differences in levels of local business taxation.

The strategic role of the intermunicipal authorities is particularly apparent in situations where there is strong local competition. A former CAVB elected representative remembers that the support by the Intermunicipal Arrangement then by the Communauté d'agglomération of local demands concerning the covering of the A6b was a major factor in ensuring the project succeeded in gaining inclusion in the State-Region Planning Contract for 2000-2006<sup>ix</sup>, in context of high competition from projects supported by other local authorities.

It is only a small step from representing local interests to negotiating. The actors usually make the transition when the intermunicipal authority has been recognized as a partner by the state, the other local authorities and actors from the private sector and enters fully into the political process.

### **2.2. Political intermunicipal cooperation: “together we can negotiate our future”**

Through the intermediary of the Communauté d'Agglomération, the municipal actors engage in negotiations to defend their interests and play a part in defining the rules which govern local policies. The *political* dimension involves the active negotiation of standards or directions for intermunicipal action, either with regard to internal matters, i.e. the collective interests of the Communauté d'Agglomération, or external matters, i.e. in relation to the state or other local authorities. The basis of this political role is not always the large-scale integration of municipal policies, but in all cases it involves arrangements, or even compromises, at community level.

The case of the project to cover the A6b clearly shows the political role played by the



Intermunicipal Arrangement then the CAVB in support of the mobilization of residents and elected representatives.

In the early 1970s, the mobilization of residents against the adverse environmental impacts of the motorway gave the local elected representatives of the Val de Marne Département, which was dominated politically by the communist party, an opportunity to express their ideological opposition to the government. In a political and social context that was marked by increasingly strong criticism of authoritarian state intervention, the residents' complaints were expressed by Georges Marchais<sup>x</sup>, who at the time was assistant secretary of the communist party and Deputy for the Canton of Kremlin-Bicêtre. The state engineering units finally installed the first anti-noise coverings in 1974.

In the mid-1990s, the mobilization was reactivated in favour of an urban regeneration project. The local residents' committee for the covering of A6b motorway, set up in 1996, was chaired by Alain Desmarest, a communist who had been elected to the General Council of the Val de Marne Département. The members of this committee stressed the political independence of this structure, which guaranteed its universal appeal. In practice, however, there were many links between the members of local committee and local elected representatives. For instance, the Chairman of the local committee, Alain Desmarest, took advantage of his position on the General Council to take part in the meetings of the project's steering committees, to which the local residents' committee was not invited. Other members of the local committee held elective offices, which made it easier for information to pass between the residents and the elected representatives who backed the project. Furthermore, according to local actors, the close political relationship that existed between the communist mayors who were members of the Intermunicipal Arrangement and the elected members of the Département of Val de Marne facilitated the negotiations. In 1997 and 1998, the arrival of left wing majorities in the central government and the Regional Council of the Greater Paris Region made the political context even more favourable and helped the covering project demanded by the local actors gain acceptance among its main financial partners.

Once the first strategic stage of inclusion in the State-Region Planning Contract (CPER) had been successfully negotiated, the next stages, which dealt with the project working out, highlight the importance of the intermunicipal authorities in negotiations with the state, which was the principal project owner, in charge of engineering and safety on the motorways. In 2001, the criticisms expressed by local elected representatives through the CAVB during the preliminary consultation about the project compelled the state to accede to the demands of the municipalities and extend the programme which had been included in the CPER. The battle between the state and the local elected representatives continued with regard to the contents of the project. In particular, the mayors of Gentilly and Kremlin-Bicêtre stated their complete solidarity with Arcueil's mayor who wanted his municipality to be included in the covering project too<sup>xi</sup>. At the risk of creating deadlock that would prevent the project from moving forward, the mayors made the continuation of studies dependent on the inclusion of Arcueil in the project, and ended up by obtaining the Prefect's agreement.

In addition, the CAVB's political commitment and intermunicipal solidarity was given practical expression by a significant financial contribution in the form of the partial funding of the preliminary studies and the construction of the frontage roads<sup>xii</sup>.

The negotiations that took place concerning urban renewal of the Chaperon Vert district provide another example of the way elected representatives negotiate with the state in order to defend priorities that relate both to political decisions and the characteristics of the local area. While the state adapts its policies and standards in the light of local constraints, this frequently goes hand in hand with a reciprocal commitment on the part of the elected representatives to move towards implementation of the national standard in the long term.

Regarding the restructuration of social housing districts, the policy of the National Urban Renewal Agency (Agence Nationale de la Rénovation Urbaine - ANRU) which was set up in 2004 is to encourage the demolition and reconstruction of buildings. The idea is not only to

avoid short-term solutions, but also, more basically, to achieve a degree of social diversity. While all social housing which is demolished must be rebuilt on the same site or nearby, some of the new buildings must be reserved for assisted home ownership schemes or the private rental sector. One of the principal funding bodies for urban renewal, an association known as Foncière Logement, participates in ANRU projects in return for the transfer free of charge of dwellings within the Agency's intervention zone.

With regard to the issue of demolition, the municipalities of Arcueil and Gentilly did not share the same views. In Arcueil, the elected representatives, in agreement with the residents of the buildings in question, decided to demolish a twelve-storey apartment building and a stairwell, i.e. 192 dwellings in all. In addition, the demolition of an intermunicipal primary school, which was rebuilt on a private housing estate near Chaperon Vert, provided land to build offices and dwellings for Foncière Logement. The decision of the elected representatives in favour of demolition followed on from that which had been taken for another social housing district in the municipality, the Cité de la Vache Noire, which had been the subject of a previous ANRU operation. In Gentilly, the elected representatives stated that they were opposed to the demolition in the near future of any of the twelve-storey buildings built in line with the Arcueil apartment building. The main reason they gave was that it was impossible to guarantee that the residents of these apartment buildings would be rehoused in the same location, because of the high tension on the social housing market. The municipality, in which social housing accounts for more than 50% of the dwellings, has to cope with very high demand which it is already unable to meet. Moreover, the elected representatives of Gentilly fiercely criticized the policy of the current government which it perceived as a withdrawal of the state. Lastly, this decision was in line with the local political tradition of the communist town council which has always attempted to maintain the highest possible percentage of social housing.

More generally, the mayors of Arcueil and Gentilly are committed to "maintaining accessible social housing at the gates of Paris", as are all the elected representatives in the inter-municipal authority. But all the mayors of the CAVB also agree that the municipalities should remain free to decide how to reach this objective.

The two mayors were thus united in defending their decisions against the representatives of the state. The project was defended by the local ANRU officer before the Agency's financial partners, and was the subject of difficult negotiations, in particular because, as it was not seriously deteriorated, the district had not been classified among the priority sites for action. Ultimately several factors worked in favour of the acceptance of the principle of non-demolition in Gentilly. First of all, as the project area is very close to Paris it was of major interest to Foncière Logement, who saw it as a way of rapidly increasing the value of its property holdings. In addition, demolishing a large number of dwellings would have resulted in major additional cost, at a time when the Agency's funding had been considerably reduced. Last, the elected representatives of Gentilly committed themselves to demolishing the two twelve-storey apartment buildings in ten years time or so, on the grounds that by then other development operations will have created fresh opportunities for urban restructuring and development in the vicinity of the site, in particular the project to cover the Paris orbital motorway.

### **2.3. Cognitive intermunicipality: "building another vision without imposing it"**

Asserting the political role of an intermunicipal authority is impossible if it has no expert capacity, whether within its own technical units or by employing experts from outside. This *cognitive* dimension of intermunicipal cooperation involves the ability of elected representatives to define shared aspirations, to construct projects or present counter-proposals to their partners, in particular the state, and develop municipal policies that are consistent with shared goals.

The example of the project to cover the A6b provides a particularly good illustration of this relationship between political capacity and expert capacity through the studies that the

elected representatives within the Intermunicipal Arrangement first then later within the CAVB decided to undertake in order to develop counter-proposals to the scenarios put forward by the state. The proposals in the first study did not encounter a consensus among the elected representatives, but were sufficient to convince the financial partners of the validity of an urban project and to give up the idea of replacing the old anti-noise covering with an identical one. By means of the second study, the municipalities imposed their views about the actual nature of the extension of the programme. Within this framework in late 2002 the local actors and the representatives of the Val de Marne Infrastructure Directorate (Direction Départementale de l'Équipement) agreed on a joint development approach.

In a different context, the work of the CAVB's technical units in connection with the urban renewal project for the Chaperon Vert district illustrates the importance of the cognitive dimension, as well as the tension which exists between the development of the intermunicipal expertise and the exercise of democratic control by the elected representatives at the municipal scale.

The intermunicipal nature of the Chaperon Vert district was sufficient to legitimize the intervention of the CAVB as the technical manager of the project. According to our local interlocutors, entrusting the running of the project to the intermunicipal structure also showed the desire of the elected representatives to use the implementation of this concrete development project to test the effectiveness of the very new intermunicipal structure.

According to the terms of reference given to the team in charge of the project by the two mayors, the CAVB's technical units were first of all responsible for ensuring the survival of the partnership framework and the progress of the project, which involved coordinating the various project owners and project managers. In particular, the CAVB's units worked closely with the intermunicipal office for low-cost housing (HLM), the project leaders and associated elected representatives from the two towns involved. Initially, urban planning studies were undertaken in the framework of a "contract specification" procedure which included the development of regeneration scenarios for the site by three multidisciplinary teams consisting of architect-town-planners and landscape gardeners. However, the disagreements between the two municipalities about demolition and the scepticism of the elected representatives about the architects' proposals prompted them to call on the urban developers they usually worked with. In this context, where each of the municipalities took control of the urban programme in its area, the role of the Communauté d'Agglomération changed and became more focused on achieving consistency between the projects of the different municipalities.

This attempt to achieve consistency applied to various aspects of the project, from achieving equilibrium between the project's dimensions with regard to housing, travel, facilities and social policies to the development of a district travel plan. Harmonization was difficult for the last of these because of the municipalities' different views about the provision of access, due to differences in the timing of the urban regeneration programmes. Achieving consistency therefore went together with day-to-day mediation between municipal actors: as one elected representative stated, passing through the Communauté d'Agglomération provided a way of avoiding the tensions which could arise in the case of direct dialogue between the municipalities.

Last, the CAVB's technical units also had to work on zones within the project boundary that had been ignored or to which the urban developers had paid little attention, as urban developers usually concentrate on spaces where they hope ultimately to have a contract with the municipalities. Therefore, it is by moving into the gaps in the project that the technical units, in the name of the project team's overall vision - and frequently at the request of elected representatives - act in domains or spaces which would normally be the responsibility of the municipalities.

The work carried out by the Communauté d'Agglomération's units nevertheless remained under the political control of the elected representatives, and the level of this control varied according to the nature of the project and the stage it was at. The responsibilities which the

elected representatives granted the Communauté d'Agglomération were crucially affected by the trust they placed in its technicians. Thus, the first project leader from the Communauté d'Agglomération working on the urban renewal project in the Chaperon Vert district was dismissed by the mayors who felt that she was overstepping her role by directly altering the content of the project. On the other hand, in the situation of uncertainty after the municipalities had brought in urban developers, the elected representatives clearly restated their trust in the CAVB's technical units, which facilitated and stabilized the relationship with the urban developers, removing the initial mutual suspicion.

More generally, the attempts of the Communauté d'Agglomération to become independent from municipalities through the proposals or initiatives of its technical units were counterbalanced by the desire of elected representatives, particularly mayors, to retain their decision-making powers, particularly with regard to urban development. This tension was particularly apparent in the case of the CAVB. One elected representative pointed out that the differences in the technical resources of the municipalities and the intermunicipal authority could lead to troublesome time lags between the project and democratic dialogue, particularly when the CAVB's units had moved ahead on their own, making it difficult to inform elected representatives and the people in the municipalities. Another elected representative stressed that urban planning issues could not be reduced to technical aspects as they are real society issues. More precisely, he underlined that while the municipalities can no longer ignore intermunicipal or metropolitan issues, they indeed have to "include them in a debate with the public and in democratically constructed decisions". In this framework, the elected representatives positioned themselves as the principal guarantors of this democratic debate at municipal level.

### **3. The Département is "in the town"**

The French Département in its current form has its roots in the revolutionary period. This period, which began in 1789, saw the beginning of administrative reforms which aimed to achieve rationalization that put an end to the privileges of the ancient provinces and provide a platform for national unification (Dorigny, 1994). The Département was formally established in 1790, and in 1871 the *General Council* (Conseil Général) was created, for which the Canton was the electoral constituency. This format still applies today and the recent changes that have affected the Département have related to its responsibilities.

The primary responsibility of the Département is social welfare. It is also involved in education (managing secondary school buildings and staff) and culture. With regard to the sectors which concern us here, it is involved in road transport (roads, passenger transport), housing and public services (managing crèches, for example). It also plays a role in local development.

For a long time, the Département was perceived as acting mainly in rural areas. However, the Départements in the inner suburbs of Paris are an exception to this rule as they essentially cover urbanized areas. The two practical operations we have analyzed show how the Val-de-Marne Département is active in an urban zone. Our aim is to shed light on the policies and actions that are specific to the Département, and characterize the ways in which these are implemented, identifying the consequences for public policies of the processes at work.

The Département's actions involve making compromises with the municipalities and inter-municipal authorities on the one hand and the state on the other. As it is a longstanding institution, we can assume that the Département has already tried and tested practices in this area. The political dimension here is important. The Val-de-Marne Département, as is the rule in the relationship between local authorities, has always preferred to play a backseat role to the municipalities, which in this instance are managed by mayors of the same political persuasion. Moreover, as an emblem of the "red suburbs"<sup>xiii</sup>, it is politically opposed to the current government. However if the Département is becoming more involved, we should be

able to detect its specific impact in the actions and options which are implemented. These decisions are of two types – political and strategic – and are based on the specific expertise of the Département which gives legitimacy to its intervention in projects for which it is not the owner. It is the mobilization of this legitimacy, and its impacts both on urban projects and the Département which have led us to make the hypothesis that the Département is starting to influence urban and development policies.

We have made a distinction between the two types of option for the purposes of clarity, but in the real world of local action they are of course interwoven.

### **3.1. The rationale for integrating Département policies with urban projects**

The Val-de-Marne Département became involved in the sphere of spatial development and adopted the planning tools traditionally accompanying it in order to develop its own vision for its area and formalize a development policy when this was not a compulsory responsibility. It was the revision of the SDRIF (in 2004) which gave it the opportunity to conduct a broadly-based planning and consultation procedure and adopt its own planning scheme in 2006, for the horizon of 2020. This was seen within the Département structure as a reference document for internal and external use. Spatial development was perceived as bringing together a number of fields where the Département is active, namely housing, the environment and essential services (public transport, high quality public and private services, local jobs and facilities, environmental quality...). The Département's approach was based on the "areas which make up the Val-de-Marne". The CAVB was named as one of these and the two projects we are concerned with were also mentioned. By means of this exercise, the Val-de-Marne Département revealed its political options with regard to development thereby bringing the two projects managed by the CAVB into its own spheres of action: the management of the Département road network with regard to covering the A6b and the management of public facilities for the Chaperon Vert urban renewal project.

In the case of the covering of the A6b, the Val-de-Marne's responsibilities relate to the redesign of the roads that run along the edge of the municipalities of Kremlin-Bicêtre and Arcueil on each side of the motorway. The Département acted on two slightly different fronts, seeking both to oppose the state and to gain legitimization in the context of the "regionalization" of transport in the Greater Paris Region (see note 6).

First, the local actors gave an account of the historical background of the project which was highly critical of the state which had decided unilaterally to build the motorway and, did so, in the terms used by our interlocutors, to serve its own interests (providing access to the Rungis wholesale trading centre). The motorway was imposed on the local authorities, in particular the municipalities of Arcueil and Kremlin-Bicêtre, which were cut off from each other by the road. The planning project for the space over the covering is a concrete sign of opposition to central government, which merely wished to replace the existing anti-noise plate covering.

In addition, the Département reduced the capacity of the road running alongside the motorway and, at the same time, set aside some of the road space for public transport and environmentally friendly modes. In this way, it affirmed at a local level its new political options with regard to local travel practices, demonstrating that it had taken on board the contemporary environmental goals of limiting motor vehicle traffic and developing public transport. This statement of the Département's priorities within its area should be seen in the context of the regionalization of transport in the Greater Paris Region, which results from the reform of the STIF (1<sup>st</sup> July 2005), coinciding with the revision of the SDRIF and the PDUIF. The Département had prepared for these events from the 2000s. First, it appointed two vice-chairmen for transport, one in charge of transportation and mobility, and the other in charge of more conventional technical aspects to do with traffic and roads (2004). In addition, it restructured its units in 2000: a new Transport, Road and Mobility Directorate was created that brought together the Highways and Transport Units and which became part of the Directorate for spatial development. The new vice-presidencies and the reorganization of the Val-de-Marne's units paved the way for its involvement in the regionalization of transport.

The Département produced its own travel plan (2009-2020), which exhibited the same desire to increase its role as was apparent in the planning scheme, in the words of the Director of Transportation, Roads and Travel, in order “to prove its existence”.

In the case of the urban renewal operation for the Chaperon Vert district, the Val-de-Marne Département became involved in connection with the management of two crèches which were housed in the same building located in the area covered by the urban renewal project. The building in question was located in Gentilly, but the public services it housed targeted the residents of Arcueil and Gentilly to equal measure. The urban renewal project initially planned to demolish it, at the request of the municipalities. However, both the form and goal of the urban project changed over time. So did the attitude of the Département with regard to the municipalities’ request. The reason for this was that in 2001, the demolition of a building served to improve access to the district by permitting the construction of a through road. According to the Head of the Val-de-Marne Département’s unit in charge of urban affairs and associations, the General Council accepted the validity of this argument and raised no opposition. In 2007, demolition of the building was included in the ANRU operation, which modified the initial project. At the time, the municipalities justified the demolition of the building as a means of acquiring land for Foncière Logement within a project zone that was very much smaller than which existed in 2001. In addition, the municipalities of Gentilly and Arcueil took advantage of the new programme to ask the Département to rebuild the crèches in separate buildings, one in each municipality. The Département finally opposed the request for demolition with the project in this new form. According to the Head of the Département’s “Urban affairs and Associations” unit, the General Council’s hostility to the demolition of the crèches was political in nature, first because the Département had decided not to finance the demolition and second because it wished to oppose what it felt to be excessive demands on the part of the municipalities. The reason for this was that the latter not only lacked the resources to build and run the crèches, but according to the Département, could gain a piece of land elsewhere to satisfy Foncière Logement’s requirements.

More generally, the Département’s financial apparatus enables it to be a stakeholder in the two urban projects. We shall now see how the contractual terms of finance for the two projects have enabled it to deploy a strategy of interdependence with the state.

### **3.2. The strategic rationale of improvised contractual and financial arrangements**

The two development projects we have studied are directly linked to state intervention in urban areas. The covering of the A6b involves a road for which the state has responsibility. The Chaperon Vert urban renewal operation is being implemented in the framework of national area-based policies in deprived urban areas. In the case of both projects, state action takes place through its usual financial partnership framework of contractualization. In spite of its overall political opposition to the government’s policies, the Département of Val-de-Marne accepted this financial arrangement for both operations, because it was willing to bring the projects into being and achieve concrete progress. The Département’s strategy was based on the use of improvised arrangements, insofar as its actions modified the financial standards put in place by the state by creating and implementing projects with “grassroots” support.

In the case of the covering of the A6b, the contractual format was the State-Region Planning Contract (CPER). The first strategic step was to include the project in the 2000-2006 CPER, which the Département succeeded in doing by agreeing to make a financial contribution to several transport projects. This was made possible, in particular, by the activism of Alain Desmarest, a communist councillor for Kremlin-Bicêtre, and a member of the Val-de-Marne General Council (1st vice-president for Education and secondary schools) and chairman of the committee for the total covering and landscaping of the A6b, who thus had a number of offices and roles that were connected with the project. The project was put on the broader agenda of the Département, which allows for political and financial support to several major public transport and development projects (for example, the extension of line 8 of the Paris

Metro, the extension of line 7 as a tramway running along the Route Nationale 7 trunk road). This financial involvement enabled the Département to contrast its policies with the ideas the representatives felt underpinned government policies: the specialization of responsibilities, which would allow the Département to play a part in spatial development (which is not one of its compulsory responsibilities), and the reduction of public expenditure. It also provided a way for the Département to contest a unilateral specification of the project by the State: its financial contribution provided an opportunity to assert its own vision of the road planning project. However, the Département had to sign a specific contract with the Region in order to obtain additional finance to enable the implementation of the urban covering and landscaping project in the form desired by the residents, the municipalities and the CAVB. But the local actors knew that the mere fact that a project is covered by the CPER does not mean that it will be completed by the time the contract reaches its end. Thus, as the date of the renewal of the CPER drew near in 2004, the Département became concerned about the project's progress. The solution was to give in to the state's demands by leaving it as the sole owner of the entire project. Prior to this, the project for covering the A6b had involved three project owners: the state for the motorway, the Département for the road running alongside the motorway and the CAVB for the frontage roads. By handing over their project ownership roles, the Département and the CAVB met the demand of the Ministry of Public Works for the state to have full project ownership of the operation. By accepting these conditions, they ensured that the project would progress while still taking part in negotiations in connection with those aspects which concerned them most directly.

As far as the Chaperon Vert urban renewal project was concerned, the Département of Val-de-Marne also took measures to enter into the urban policy framework set up by the state. To do this, it signed a direct agreement with the ANRU (dated 21 June 2006, for the period 2006-2011). In this context, the Département committed 120 million Euros to financing urban renewal in its area, guaranteeing to pay for a minimum of 3.5% of the urban renewal projects provided for in the agreement.

The signing of this agreement was due essentially to the activities of one member of the General Council, Daniel Breuiller (minor left-wing parties), who was Vice Chairman for Participative Democracy, and who steered the process by which the Département became involved in urban policy. Daniel Breuiller was also mayor of Arcueil, which had already signed an agreement with the ANRU in 2005, for the renewal of the Vache Noire district. Using this experience to gain legitimacy, he was able to defend the idea within the General Council that the zones that had priority for the ANRU also had priority for the Département.

On one hand, this agreement imposed a degree of inflexibility on the Département's financing methods for urban renewal projects. The comprehensive nature of the agreement meant the Département was unable to assert its priorities as it only became involved once the municipalities had agreed their programme with the ANRU. In addition, as a financial partner of the ANRU, it was only involved in development operations which had been declared eligible for subsidies from the agency. For example, the agency had decided to exclude the redesign of Département roads from its financial arrangements. The General Council, which intended to finance the redesign in question from the total sums received under the agreement with the ANRU, had to find other investment programmes and ultimately postponed the road improvements in question.

On the other hand, the fact that the sums set aside in the framework of the agreement were not specifically intended for urban renewal, meant that the Département could retain a degree of flexibility with regard to allocating its budget. While it had no way of altering the nature of the renewal project for the Chaperon Vert district, it could, in particular, oppose the request of the municipalities of Arcueil and Gentilly to demolish the Département crèche simply by allocating its funding differently. By pointing out that just demolishing the crèche would use up the amount set aside in the agreement for funding the renewal of the Chaperon Vert district, it forced the municipalities to abandon this demand or risk seeing other measures scheduled in the project compromised.

## Conclusion

Our analysis of the involvement of the Communauté d'Agglomération du Val de Bièvre and the Département of Val de Marne in the development projects for the covering of the A6b and the urban renewal of the Chaperon Vert district reveals the importance of the political dimension in the local public rule-building process. This political dimension involves both ideological aspects and area-based aspects, which are very frequently interwoven.

Our examination of the role of both institutions has shown that the intermunicipal authority and the Département have different rationales for action in relation to municipalities and the state.

The Communauté d'Agglomération is not politically independent from the municipalities which form it. In the absence of specific elections for the inter-municipal authority, the municipalities are represented on the bodies of the Communauté d'Agglomération by their elected representatives (the mayors and their assistants). Many authors have highlighted the "depoliticization" of the debate at the inter-municipal level, and the "community consensus" which results from these neutral debates (Desage, 2006). Our survey has shown that inter-municipal cooperation has another political dimension, which is revealed by the way municipal elected representatives, using the Communauté d'Agglomération, oppose the policies and standards which the state seeks to impose on them. This political role is apparent both in the framework of local mobilization with regard to the covering of the A6b and in the negotiation of the ANRU rules for the urban renovation of the Chaperon Vert district. The intermunicipal authority does not only give greater weight to municipal interests in relation to the state. By allowing local actors to play a more active role in negotiating to further their interests, it also forces them to face metropolitan issues and, to an even greater extent, those which affect the Communauté d'Agglomération. Put another way, this participation in collective interplay does not just boil down to a defence of municipal interests, and the municipalities do not emerge unchanged from intermunicipal cooperation. Our survey also highlights that the integration of municipal rationales for action at the scale of intermunicipal area is gradual, debated and even questioned on the grounds of democracy. However, the absence of a single project for the area which is shared by all the municipalities in no way prevents the united defence of certain political goals and the pursuance of these goals in slightly different ways in each municipality.

The most visible aim behind the Département's actions with regard to municipalities is to achieve cooperation, in a context where the municipalities (which are all controlled by the political left) are relatively close, politically, to the General Council. The Département contributes to the funding of projects and programmes which have already been defined by the municipalities. When challenged by the practical implementation of projects, it has developed a delegation approach. Thus, with regard to the urban renewal operation in the Chaperon Vert district, the Département has remained faithful to its principle of opposition to demolition (it only helped to finance rehabilitation works) while allowing the municipality of Arcueil to take this option in its own area. With regard to the state, to begin with the Département's approach was essentially one of opposition. This general approach was principally characterized by an anti-government political stance, which stigmatized the state's withdrawal and the power struggle it has waged with local authorities in the framework of recent reform of local political organization. However, the state remains a financial partner. The contractualization procedures for the two local operations provide the opportunity for the Département of Val-de-Marne to implement two strategies. The initial strategy was to enlist the state as a partner. On the one hand, in view of the fact that contractualization is the usual way of state financing, the existence of a contract means the state has put the operation in question on its agenda and is committed to it. On the other hand, in order to consolidate this enlistment, the actors involved in the project to cover the A6b gave in to the state's demand for there to be a single project owner. Next, the Département implemented a strategy of overstepping institutional boundaries. Contractualization is never a guarantee that work will be completed when the contract comes to an end. The covering of the A6b thus gave rise to



an *ad hoc* contractual arrangement between the Département and the Region in order to provide additional funding for the project.

Generally speaking, these two urban development projects reveal classical interdependence processes between public actors. The public actors, within the institution in which they serve, stand up for principles, values, and rules that set out to defend the interests of the areas and residents they represent. If, in the framework of concrete development projects, the clash between diverging views leads to conflict and deadlock, the various actors nevertheless share a common goal of bringing the project to completion. In this context, the process of discussion with regard to rules and their modification is what makes action possible. This area-based political dynamic, which we designated by the term "public rule-building process", harmonizes the roles of all the public actors and adjusts the rules for each particular moment and operation. By means of these arrangements, selective adaptations and by overstepping institutional boundaries, the actors demonstrate that coordination is possible outside fixed formal frameworks, which assign specific responsibilities to each level of government.

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## Notes

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<sup>i</sup> The Act of 12 July, on the strengthening and simplification of intermunicipal cooperation (known as the Chevènement Act) essentially related to intermunicipal authorities with the right to raise taxes in addition to those levied by municipalities.

<sup>ii</sup> The title of the research programme was "Intermunicipal cooperation under the test of reality" (L'intercommunalité à l'épreuve des faits). It was funded by the Urban Planning Construction and Architecture Plan (Plan Urbanisme Construction Architecture - PUCA) developed by the Ministry of the Environment, Energy, Sustainable Development Housing and Transport (MEEDDLT).

<sup>iii</sup> The subsidies provided by the ANRU for demolition are considerably higher than those earmarked for the rehabilitation of buildings.

<sup>iv</sup> The creation of a Communauté d'Agglomération sets in motion a process by which responsibilities are transferred from the municipalities to the intermunicipal authority. The process varies for according to each local situation and the exact responsibilities exercised by the Communauté d'Agglomération must be defined on the basis of "community interest". For some areas, in particular planning and housing, municipalities wish to keep effective control, for others, such as transport, the transfer takes place much more easily.

<sup>v</sup> The Organizing Authority for Public Transport in the Greater Paris Region, presided over by the Région and made up of representatives from local authorities (municipalities and Départements) and the state.

<sup>vi</sup> The way public transport is organized in the Greater Paris Region has been affected by a recent increase in the power of the Région. The Région only became the majority in the STIF, thereby bringing state domination to a close, in July 2004. Reform of the STIF got under way in July 2005, at the same time as the Région undertook the revision of the Schéma Directeur de la Région Ile-de-France (SDRIF).

<sup>vii</sup> The Regional Council of the Greater Paris Region (Conseil Régional d'Ile-de-France) has been led by a team made up of a majority of socialists since 1998 and the current French government is led by the right (the UMP).

<sup>viii</sup> Around the municipalities of Gentilly, Arcueil, Kremlin-Bicêtre, Cachan and Villejuif.

<sup>ix</sup> The State-Region Planning Contract (Contrat de Plan Etat-Région - CPER) lists the investment programme that the state and the Région have decided to co-finance. Other local authorities are also involved in the programme, first and foremost the Départements.

<sup>x</sup> Georges Marchais was the General Secretary of French Communist Party from 1972 to 1994.

<sup>xi</sup> The part of Arcueil affected by the motorway had only been provided with noise barriers.

<sup>xii</sup> In all, the Communauté d'Agglomération, which took over responsibility for the financial contribution of the municipalities that had been stated in the CPER, contributed 7.2% of the total budget of 120.5 million Euros (2008 figure).

<sup>xiii</sup> This designates those parts of the Paris suburbs that consist of working class municipalities in which the Communist Party's presence has been very strong since the 1920s and where it still has an influence.